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5 **UNITED STATES DEPARTMENT OF JUSTICE**

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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 In re:

17 **Case No. 2:15-cv-2473-JAD**

18 **JONATHAN B. GOLDSMITH,**

19 Appeal from Luis Burgos and Dorian
20 Burgos, Chapter 11

21 Bankruptcy Case No. 12-16894-MKN
22 District of Nevada

23 **Appellant,**

24 **v.**

25 **ORDER**

26 **UNITED STATES TRUSTEE,**

27 **STIPULATION TO EXTEND**
28 **BRIEFING SCHEDULE**

Appellee.

(FIRST REQUEST)

Appellee, Tracy Hope Davis, the United States Trustee for Region 17
(United States Trustee”), and Appellant, Jonathan B. Goldsmith, hereby file this
Stipulation to Extend Briefing Schedule (“Stipulation”) pursuant to LR 6-1(b) and
LR 7-1.

1. Status of the Appeal

This proceeding was commenced on December 22, 2015, when Appellant filed a notice of appeal of a bankruptcy court order (1) granting Appellee's motion for disgorgement of fees pursuant to 11 U.S.C. §329 that were paid to Appellant; and (2) denying Appellant's request for the allowance of fees and expenses pursuant to 11 U.S.C. §330 (Bankr. Dkt. No. 175).

In accordance with Fed. R. Bankr. P. 8009, Appellant filed a designation of record (Bankr. Dkt. No. 182), a statement of the issues (Bankr. Dkt. No. 184), and ordered a transcript of the underlying bankruptcy proceeding (Bankr. Dkt. No. 183). Appellee filed her supplement designation of record (Bankr. Dkt. No. 189). The record on appeal was transmitted by the Bankruptcy Court on January 12, 2016. The District Court issued a minute order (Dkt. No. 5), and set a briefing schedule (“scheduling order”).

2. Request for 30-day extension to file Briefs

a. When the briefs are initially due. The scheduling order provides that Appellant's opening brief is due by January 29, 2016. Appellee's answering brief is due on February 15, 2016. A reply brief by Appellant is due on March 3, 2016.

b. How many extensions of time have been granted. No prior extensions have been sought or granted.

c. Reason why this extension is necessary. Appellant and Appellee have agreed to engage in settlement discussions, and would like an opportunity to explore settlement of the issues pertaining to this appeal. The current briefing schedule does not provide the parties sufficient time to discuss settlement, and prepare and file their respective briefs.

Effective December 1, 2014, the bankruptcy rules governing appeals filed in United States District Courts were amended. Fed. R. Bankr. P. 8018(a)(1)

provides that an opening brief is to be filed and served by an appellant within 30 days after the record has been transmitted to the court. Rule 8018(a)(2) states that an appellee must file and serve a responsive brief within 30 days after service of appellant's brief. These new time parameters are applicable in appeals unless the court orders otherwise, which has been done by virtue of the scheduling order.

d. Specific amount of time requested. The parties seek an extension of time which allows Appellant until February 29, 2016, to file an opening brief. Appellee's response brief will be due 30 days after service of Appellant's opening brief. Any reply brief by Appellant is to be filed 14 days after service of Appellee's responsive brief.

3. Conclusion


Wherefore, Appellee and Appellant request that this stipulation for an extension of time to file their respective briefs as set forth above be granted.

It is so stipulated.

Dated: January 19, 2016


By: /s/ TERRI H. DIDION
Terri H. Didion
Trial Attorney for U.S. Trustee

Dated: January 19, 2016


Jonathan B. Goldsmith
Appellant

IT IS SO ORDERED.

Dated: January 20, 2016.


Honorable Jennifer A. Dorsey
United States District Judge